



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 77]

नई दिल्ली, शनिवार, मई 14, 2005/वैशाख 24, 1927

No. 77]

NEW DELHI, SATURDAY, MAY 14, 2005/VAISAKHA 24, 1927

महापत्रन प्रशुल्क प्राधिकरण

अधिसूचना

मुम्बई, 10 मई, 2005

सं. टीएएमपी/10/2005-वीपीटी.—महापत्रन न्यास अधिनियम, 1963 (1963 का 38) की धारा 48 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, महापत्रन प्रशुल्क प्राधिकरण एतद्वारा, वर्तमान वॉल्यूम डिस्काउंट स्कीम को वापिस लेने के लिए विशाखापत्तनम् पत्रन न्यास से प्राप्त प्रस्ताव को संलग्न आदेशानुसार अनुमोदन प्रदान करता है।

महापत्रन प्रशुल्क प्राधिकरण

प्रकरण सं. टीएएमपी/10/2005-वीपीटी

विशाखापत्तनम् पत्रन न्यास (वीपीटी)

.....

आवेदक

आदेश

(अप्रैल 2005 के 25वें दिन पारित)

यह प्रकरण वर्तमान वॉल्यूम डिस्काउंट स्कीम को 1 अप्रैल 2005 से वापिस लेने हेतु विशाखापत्तनम् पत्रन न्यास (वीपीटी) से प्राप्त प्रस्ताव से संबंधित है।

2. इस प्राधिकरण ने वॉल्यूम डिस्काउंट स्कीम 1 अप्रैल 2003 से लागू करने हेतु वीपीटी के प्रस्ताव को अपने आदेश सं. टीएएमपी/92/2002-वीपीटी दिनांक 17 मार्च 2003 द्वारा अनुमोदन प्रदान किया था।

3.1. वीपीटी ने बताया है कि इस प्राधिकरण द्वारा इसके वरमान में निर्धारित दरें उच्चतम स्तर की हैं और छूट निम्नतम स्तर की हैं। महापत्रन, यदि चाहें तो, उन्हें दरों को कम करके प्रभारित करने या अधिक छूट प्रदान करने का लबीला अधिकार प्राप्त है। अधिसूचित प्रशुल्क पर रियायत प्रदान करने हेतु महापत्रनों को पहले से ही उपलब्ध लबीले अधिकार को देखते हुए, इसने 1 अप्रैल 2005 से वर्तमान वॉल्यूम डिस्काउंट स्कीम को वापिस लेने का प्रस्ताव किया है। इसका कहना है कि एक निर्यातिक या आयातिक को अधिक से अधिक मात्रा में माल उत्तराइ/लदाइ प्रहस्तन के लिए (विशीय) प्रोत्साहन प्रदान कर प्रोत्साहित करने की आवश्यकता है और न्यासी मंडल के अनुमोदन से उच्चतम दरों में कटौतियाँ प्रदान की जाएंगी।

8. परिणामस्वरूप, और ऊपर दिए गए कारणों से, तथा समग्र विचार-विमर्श के आधार पर, यह प्राधिकरण वर्तमान वॉल्यूम डिस्काउंट स्कीम 1 अप्रैल 2005 से वापिस लेने हेतु वीपीटी के प्रस्ताव को अनुमोदन प्रदान करती है। तदनुसार, वीपीटी के दरमान में इस संबंध में आनुषंगिक प्रावधान हटाए जाते हैं।

अ. ल. बोंगिरवार, अध्यक्ष

[विज्ञापन/III/IV/143/05-असा.]

TARIFF AUTHORITY FOR MAJOR PORTS

NOTIFICATION

Mumbai, the 10th May, 2005

No. TAMP/10/2005-VPT.—In exercise of the powers conferred by Section 48 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby approves the proposal received from the Visakhapatnam Port Trust for withdrawal of the existing volume discount scheme as in the Order appended hereto.

TARIFF AUTHORITY FOR MAJOR PORTS

Case No. : TAMP/10/2005-VPT

Visakhapatnam Port Trust (VPT) **Applicant**

ORDER

(Passed on this 25th day of April, 2005)

This case relates to a proposal from the Visakhapatnam Port Trust (VPT) for withdrawal of the existing Volume Discount Scheme w.e.f. 1 April 2005.

2. This Authority vide its Order number TAMP/92/2002-VPT dated 17 March 2003 had approved the proposal of VPT for introduction of a volume discount scheme w.e.f. 1 April 2003.

3.1. The VPT has stated that the rates prescribed by this Authority in its Scale of Rates are ceiling levels and the rebates are floor levels. The major ports, therefore, already have the flexibility to charge at reduced rates or grant higher rebates, if they so desire. In view of this flexibility already available to major ports to offer concession over the notified tariff, it has proposed to withdraw the existing Volume Discount Scheme w.e.f. 1 April 2005. It has stated that if an exporter or importer is required to be encouraged by providing incentives for handling higher throughputs, discounts will be allowed on the ceiling rates with the approval of the Board of Trustees.

3.2. The VPT has also forwarded a copy of the Resolution of its Board of Trustees approving this proposal in the meeting held on 2 March 2005. -

4. In accordance with the consultative procedure prescribed, copy of the proposal was circulated to various concerned port users / representative bodies of port users for their comments.

5. Comments received from the users were forwarded to the VPT as feed back information / comments. In response to this, VPT has stated that it has no further comments to offer on the comments made by the users.

6. The proceedings relating to consultation in this case are available on records at the office of this Authority. An excerpt of the comments received and arguments made by the concerned parties will be sent separately to the relevant parties. These details are also available at our website <http://tariffauthority.gov.in>

7. With reference to the totality of the information collected during the processing of this case, the following position emerges:

- (i). The existing volume discount scheme was approved by this Authority at the request of the VPT. Since the scheme was not formulated in a very scientific manner, the proposed volume discount scheme was approved on an experimental basis w.e.f. 1 April 2003 with a suggestion to the port to review the scheme at the end of the financial year 2003-2004.
- (ii). Some of the users like the Tamil Nadu Electricity Board (TNEB) and the Rashtriya Ispat Nigam Limited (RINL) have objected to the proposed withdrawal of the existing volume discount scheme. The volume discount scheme was introduced to provide incentive to the users to handle additional cargo through the VPT as well as to retain the existing cargo. The volume discount scheme has already been in operation for the last two years. It has to be recognised that no tariff incentive scheme can run indefinitely. It is significant to note that tariff in the SORs are fixed with reference to overall cost of providing the service. If necessary, the Tariff Regulator can reduce the basic rates in the SORs which is possible only at the general review conducted at periodic intervals. Offering any discount over the notified tariff is solely a commercial judgement of a port authority.
- (iii). It may be relevant here to recall that earlier the rates fixed by this Authority were 'the' rates for the port trusts and even any reduction of tariff required approval of this Authority. In view of this arrangement existed then, the volume discount scheme under review was introduced with the approval of this Authority. As per the present tariff setting arrangement in vogue, the rates prescribed by this Authority are ceiling level and rebates are floor level. The major ports, therefore, have the flexibility to charge lower tariff or offer higher rebates than the level prescribed by this Authority, if they so desire. The revised tariff guidelines recently announced by the Ministry of Shipping, Road, Transport & Highways (MSRTH) also affords this flexibility to major ports / private terminals to adopt sliding scale of rates to motivate greater performance by bulk/captive facility operators with a view to attract additional cargo within the overall ceiling rates prescribed on non-discriminatory and objective basis. Because of this flexibility available, as correctly pointed out by the VPT, it can reduce the notified rates wherever necessary based on its commercial judgment keeping in view the market dynamics. Viewed from this perspective, a separate volume scheme need not be imposed on the port by the Regulator. It is noteworthy that this Authority had recently allowed withdrawal of the volume discount scheme on containers at the Cochin Port Trust at the request of the port. Incidentally, even the Tuticorin Port Trust has recently made a similar request for withdrawal of the concessional tariff for package marine charge which is under consideration of this Authority separately.
- (iv). The VPT has requested to approve its proposal with retrospective effect from 1 April 2005. The Orders passed by this Authority are generally with prospective effect. The revised guidelines for tariff fixation also provide for prospective implementation of the Order unless under exceptional circumstances. In the instant case, the scheme operates on financial year basis. Making the Scheme inapplicable for the current financial year 2005-06 will inevitably warrant retrospective approval from 1 April 2005.

8. In the result and for the reasons given above, and based on a collective application of mind, this Authority approves the proposal of the VPT for withdrawal of the existing volume discount scheme w.e.f. 1 April 2005. Accordingly, the relevant provisions in the Scale of Rates of VPT in this regard are deleted.

A. L. BONGIRWAR, Chairman

[ADVT/III/IV/143/05-Exty.]